

Title	Small Claims: <i>Judgment Debtor's Statement of Assets (Small Claims)</i> (revise form SC-133)
Summary	Proposed revisions to form SC-133 would (a) clarify that the judgment can be executed immediately but that the <i>Judgment Debtor's Statement of Assets (Small Claims)</i> form is due within 30 days after the clerk mails notice of the judgment and (b) adopt the form for mandatory use.
Source	Civil and Small Claims Advisory Committee
Staff	Cara Vonk, (415) 865-7669, cara.vonk@jud.ca.gov
Discussion	<p>This form allows a small claims judgment creditor to learn the assets of a small claims judgment debtor who does not pay the judgment.</p> <p>The current form has misled at least one small claims judgment debtor into believing that execution on the judgment will be stayed for 30 days upon filing of the form.</p> <p>A small claims judgment debtor has requested that the Judicial Council correct misleading instructions under item 3 on form SC-133. These instructions currently say, "If you lose your appeal or motion to vacate, you must pay the judgment, including post-judgment costs and interest, and complete and mail this form to the judgment creditor within <b>30 days</b> after the date the clerk mails or delivers to you (a) the denial of your motion to vacate, or (b) the dismissal of your appeal, or (c) the judgment against you on your appeal." [Bold in original.] The judgment debtor wrote that after he read the instructions on form SC-133, item 3, he believed that he had 30 days to <i>pay or file</i> the <i>Statement of Assets</i> form. To his surprise, the judgment creditor levied on his assets shortly after the judgment was entered.</p> <p>The committee agrees that the language in item 3 could be misread to mean that a judgment debtor must <i>pay and mail</i> the <i>Statement of Assets</i> form within 30 days after the clerk mails or delivers notice of judgment. To clarify that the judgment must be paid immediately and can be enforced immediately, the statement currently under item 4 notifying the debtor that the judgment is no longer suspended would be moved up to item 3 in the proposed amended form, and the lead-in sentence under item 3 would be revised to read, "If you lose your appeal or motion to vacate, you must pay the judgment, including post-judgment costs and interest." The statement informing the debtor to complete and mail the <i>Statement of Assets</i> form within 30 days after</p>

the judgment is mailed, would be moved down to item 4 as a separate statement. A lead-in phrase would be added to clarify that the form must be completed only if the judgment was not paid, to read “Unless you have paid the judgment, complete and mail this form to the judgment creditor within **30 days** after the date the clerk mails or delivers to you (a) the denial of your motion to vacate, or (b) the dismissal of your appeal, or (c) the judgment against you on your appeal.”

A small claims judgment debtor must complete this form within 30 days after notice of judgment if the judgment is not paid, and the Judicial Council has statutory authority to approve or adopt the form. (See Code of Civ. Proc., § 116.830.) The committee proposes that form SC-133 be adopted for mandatory use.

The proposed amended form SC-133 follows. The committee welcomes comments on other parts of the form that could be improved.

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Attachments

JUDGMENT CREDITOR (the person or business who won the case) (name):

JUDGMENT DEBTOR (the person or business who lost the case and owes money) (name):

SMALL CLAIMS CASE NO.:

**NOTICE TO JUDGMENT DEBTOR: You *must* (1) pay the judgment or (2) appeal or (3) file a motion to vacate.** If you fail to pay or take one of the other two actions, you must complete and mail this form to the judgment creditor. If you do not, you may have to go to court to answer questions and may have penalties imposed on you by the court.

**AVISO AL DEUDOR POR FALLO JUDICIAL: Usted debe (1) pagar el monto del fallo judicial, o (2) presentar un recurso de apelación o (3) presentar un recurso de nulidad.** Si usted no paga el fallo o presenta uno de estos dos recursos, deberá llenar y enviar por correo este formulario a su acreedor por fallo judicial. Si no lo hace, es posible que deba presentarse ante la corte para contestar preguntas y pagar las multas que la corte le pueda imponer.

**INSTRUCTIONS**

The small claims court has ruled that you owe money to the judgment creditor.

- You may appeal a judgment against you only on the other party's claim. You may *not* appeal a judgment against you on *your* claim.
  - If you appeared at the trial and you want to appeal, you must file a *Notice of Appeal* (form SC-140) within 30 days after the date the *Notice of Entry of Judgment* (form SC-130) was mailed or handed to you by the clerk.
  - If you did not appear at the trial, before you can appeal, you must first file a *Notice of Motion to Vacate Judgment and Declaration* (form SC-135) and pay the required fee within 30 days after the date the *Notice of Entry of Judgment* was mailed or handed to you, and the judgment cannot be collected until the motion is decided. If your motion is denied, you then have 10 days after the date the notice of denial was mailed to file your appeal.
- Unless you **pay the judgment or appeal the judgment or file a motion to vacate**, you must fill out this form and mail it to **the person who won the case** within **30 days** after the *Notice of Entry of Judgment* was mailed or handed to you by the clerk.
- If you lose your appeal or motion to vacate, you must pay the judgment, including post-judgment costs and interest. As soon as the small claims court denies your motion to vacate and the denial is not appealed, or receives the dismissal of your appeal or judgment from the superior court after appeal, the judgment is no longer suspended and may be immediately enforced against you by the judgment creditor.
- Unless you have paid the judgment, complete and mail this form to the judgment creditor within **30 days** after the date the clerk mails or delivers to you (a) the denial of your motion to vacate, or (b) the dismissal of your appeal, or (c) the judgment against you on your appeal.

If you were sued as an individual, skip this box and begin with item 1 below. Otherwise, check the applicable box, attach the documents indicated, and complete item 15 on the reverse.

- ☐ (*Corporation or partnership*) Attached to this form is a statement describing the nature, value, and exact location of all assets of the corporation or the partners, and a statement showing that the person signing this form is authorized to submit this form on behalf of the corporation or partnership.
- ☐ (*Governmental agency*) Attached to this form is the statement of an authorized representative of the agency stating when the agency will pay the judgment and any reasons for its failure to do so.

**JUDGMENT DEBTOR'S STATEMENT OF ASSETS****EMPLOYMENT**

- What are your sources of income and occupation? (*Provide job title and name of division or office in which you work.*)
- Name and address of your business or employer (*include address of your payroll or human resources department, if different*):
  - If not employed, names and addresses of all sources of income (*specify*):
- How often are you paid?
 

<input type="checkbox"/> daily	<input type="checkbox"/> every two weeks	<input type="checkbox"/> monthly
<input type="checkbox"/> weekly	<input type="checkbox"/> twice a month	<input type="checkbox"/> other ( <i>explain</i> ):
- What is your gross pay each pay period? \$
- What is your take-home pay each pay period? \$
- If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title, and division or office (*specify*):

**CASH, BANK DEPOSITS**

7. How much money do you have in cash? . . . . . \$
8. How much other money do you have in banks, savings and loans, credit unions, and other financial institutions either in your own name or jointly (*list*):

Name and address of financial institution	Account number	Individual or joint?	Balance
a.			\$
b.			\$
c.			\$

**PROPERTY**

9. List all automobiles, other vehicles, and boats owned in your name or jointly:

Make and year	Value	Legal owner if different from registered owner	Amount owed
a.	\$		\$
b.	\$		\$
c.	\$		\$
d.	\$		\$

10. List all real estate owned in your name or jointly:

Address of real estate	Fair market value	Amount owed
a.	\$	\$
b.	\$	\$

**OTHER PERSONAL PROPERTY (Do not list household furniture and furnishings, appliances, or clothing.)**

11. List anything of value not listed above owned in your name or jointly (*continue on attached sheet if necessary*):

Description	Value	Address where property is located
a.	\$	
b.	\$	
c.	\$	

12. Is anyone holding assets for you? ☐ Yes. ☐ No. If yes, describe the assets and give the name and address of the person or entity holding each asset (*specify*):

13. Have you disposed of or transferred any asset within the last 60 days? ☐ Yes. ☐ No. If yes, give the name and address of each person or entity who received any asset and describe each asset (*specify*):

14. If you are not able to pay the judgment in one lump sum, you may be able to make payment arrangements with the person or business who won the case (the judgment creditor). State the amount that you can pay each month: \$ , beginning on (*date*): . If you are unable to agree, you may also ask the court for permission to make installment payments by filing a *Request to Pay Judgment in Installments* (form SC-106).

15. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶

\_\_\_\_\_  
(SIGNATURE)

**Mail or deliver this completed form to the judgment creditor at the address shown on the Notice of Entry of Judgment form.**